IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12311 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GOSWAMI CHARULATABEN MAHESHGIRI, W/O.M.T.GOSWAMI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MURALI N DEVNANI for Petitioner

MR ANANT S DAVE for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 08/12/2000

ORAL JUDGEMENT

1. Rule. Mr. Anant S. Dave learned Additional Central Government Standing Counsel waives service of rule on behalf of the respondent.

2. The learned counsel for the petitioner submitted

that the petitioner has applied for international passport to the respondent - Regional Passport Officer, Ahmedabad. It is submitted by the learned counsel for the petitioner that the respondent is not issuing passport because of the discrepancy in the date of birth of the petitioner in the School Leaving Certificate and Birth Certificate issued by the Mamlatdar, Padara Taluka Panchayat. The learned counsel for the petitioner submitted that the respondent should have relied on the birth certificate issued by the Padara Taluka Panchayat, a local authority and accordingly the respondent should issue passport showing the date of birth of the petitioner as 23/10/1958 as recorded in the Birth Certificate issued by the Padara Taluka Panchayat.

3. I have gone through the copy of he Birth Certificate issued by the Mamlatdar, Padara Taluka Panchayat and also School Leaving Certificate issued by the Arya Kanya Vidyalaya, Vadodara. It appears that there is a difference of one day in the date of birth of the petitioner. In the birth certificate issued by the local authority, the date of birth of the petitioner has been indicated as 23/10/1958, whereas in the School Leaving Certificate, the date of birth of the petitioner has been wrongly recorded as 24/10/1958. The learned counsel for the petitioner submitted that at the time of taking admission, there might have been some misinformation or communication gap for which the date of birth of the petitioner was erroneously recorded as 24/10/1958 in the School Leaving Register. However, when there is a discrepancy in the date of birth between the School Leaving Certificate and the Birth Certificate issued by the local authority, then the Birth Certificate issued by the local authority should prevail. Similarly, in the instant case, the Regional Passport Officer, Ahmedabad shall act as per the Certificate issued by the local authority i.e. the Mamlatdar, Padara Taluka Panchayat. However, the learned counsel for the respondent submitted that the petitioner may submit all the relevant documents before the respondent and the respondent will consider the case of the petitioner in accordance with law.

4. Having regard to the submissions of learned counsels of both the parties, I am of the view that the respondent - Regional Passport Officer Ahmedabad should consider the date of birth of the petitioner in view of the Birth Certificate issued by the local authority i.e. the Mamlatdar, Padara Taluka Panchayat. The petitioner may produce all the relevant records before the respondent and if such records are placed, the respondent

shall consider the same and pass appropriate order in accordance with law immediately preferably within two weeks from the date of receipt of this order for correcting the date of birth of the petitioner in view of the Birth Certificate issued by the Local Authority.

If the respondent - Regional Passport Officer, after being satisfied makes necessary correction of the date of birth of the petitioner, in that event, the petitioner shall pay a sum of Rs.1500/- to the respondent for such correction.

4. With the aforesaid observations and directions, the petition is disposed of. Rule is made absolute. D.S. Permitted.

(P.K. SARKAR, J.)

Rafik